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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/076,956	05/13/1998	LUDMILLA BARANOVA	GEN-T104D1	5479

23557 7590 01/02/2002

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EXAMINER

CRANE, LAWRENCE E

ART UNIT	PAPER NUMBER
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1623

DATE MAILED: 01/02/2002

37

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/076,956	Applicant(s) Baranova et al.	
	Examiner L. E. Crane	Group Art Unit 1623	

- THE MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **--3--** MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be filed after six months from the date of this communication.
- If the prior for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 USC §133).

Status

- ☒ Responsive to communication(s) filed on **-11/05/01 (amdt I)-**.
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claims **--104-107--** are pending in the application. Claims **-108-109-** have been cancelled. Of the above claim(s) **--[]--** is/are withdrawn from consideration.
- ☐ Claim(s) **--[]--** is/are allowed.
- ☒ Claims **--104-107--** are rejected.
- ☐ Claim(s) **--[]--** is/are objected to.
- ☐ Claim(s) **--[]--** are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on **-[]-** is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on **-[]-** is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119(a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) **-[]-**.
- ☒ received in the national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: **-[]-**.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). **--[]--**
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other: **-[]-**.

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The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group 1600, Art Unit 1627.

- 5 Claims 108-109 have been cancelled, no claims have been amended, and no new claims have been entered as per the amendment of November 5, 2001.

Claims 104-107 remain in the case.

The disclosure is objected to because of the following informalities:

- 10 The schemes at pp. 20-22, particularly Scheme 4, include chemical formulas which are are not entirely legible, in some cases include lines which suggest valence errors (trivalent oxygen, etc.), and in some cases do not include substituents which should not have disappeared via the chemical process steps specified (look for missing -OR₃ at the end of
15 scheme 4, etc.). Substitution of clearly drawn schemes is respectfully requested.

Also at p. 22 at line 7, the formula representing the chemical named correctly at line 6 is incorrect (short one CH moiety).

Appropriate correction is required.

- 20 Applicant's arguments filed November 5, 2001 have been fully considered but they are not persuasive.

Applicant referred examiner to the amendment received February 15, 2001 with the suggestion that the above problem had been cured therein by substitute pages. Following inspection of the submitted pages

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20, 21 and 22, it is clear that 20 and 21 represent major improvement, but page 22 is missing the text of "Example 1." Thus, if page 22 were substituted as suggested, said substitution would be in effect delete part of the text of the disclosure. Applicant is respectfully requested to
5 carefully review and resubmit the amended pages with the missing text added to page 22.

Claims 104-107 are rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the
10 relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

In claims 104-107, at line 3, chemical formulas are presented which show a bond directly between the 2- or 3-carbon of a ribose moiety and the linker moiety "X" which provides an anchor to the solid
15 "Support." Making particular reference to the Schemes at pp. 20-22 of the instant disclosure suggests that none of the chemical formulas provided within the instant claims is enabled in any way by the exemplifications of the disclosure. Therefore, the instant disclosure fails to provide an adequately supportive written description which would
20 permit the ordinary practitioner to practice the synthesis of, or the use of, the materials claimed herein.

Applicant's arguments filed November 5, 2001 have been fully considered but they are not persuasive.

Applicant argues that the rejection of record is improper. Examiner
25 respectfully disagrees. Examiner requests applicant to point out specifically wherein the disclosure the specific structures of claims 104-107 are disclosed with bonds directly from the 2- or 3-carbon of the

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ribose moiety to the linker "X." Applicant's response makes reference to portions of the disclosure which generically describe the invention, but in no portion in any of the sections referred to, has examiner found the compounds of the instant claims. Examiner having not found such a disclosure, and applicant having not specifically pointed out where the particular structures of claims 104-107 are to be found in the specification, is deemed to be prima facie evidence that the instant claims are not supported by an adequate written description, and therefore said claims are inherently lacking proper enabling support within the instant disclosure. Examiner has not found adequate, specific instructions with exemplifications directed to how to make, or how to use, the unusual, modified-ribose-containing substances of claims 104-107 within the specification. While applicant's representative may be correct in arguing that applicant has discovered a substance which has utility and represent an advance in the art, the subject matter actually claimed remains flawed for the reasons noted in the rejection of record and recapitulated herein. For this reason the instant grounds of rejection are deemed to remain valid and therefore have been maintained.

Applicant's amendment necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. §1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 C.F.R. §1.136(a) will be calculated

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from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

5 Papers related to this application may be submitted to Group 1600 via facsimile transmission(FAX). The transmission of such papers must conform with the notice published in the Official Gazette (1096 OG 30, November 15, 1989). The telephone numbers for the FAX machines operated by Group 1600 are (703) 308-4556 and 703-305-3592.

10 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner L. E. Crane whose telephone number is 703-308-4639. The examiner can normally be reached between 9:30 AM and 5:00 PM, Monday through Friday.

15 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Gary Geist, can be reached at (703)-308-1701.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is 703-308-1235.

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LECrane:lec
12/28/01



GARY GEIST
SUPERVISORY PATENT EXAMINER
TECH CENTER 1600